

CCDLA
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The Honorable Eric D. Coleman
The Honorable William Tong
Chairmen
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, Connecticut 06106

Re: S.B. 796, AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, the CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice.

The CCDLA strongly supports **Senate Bill 796, An Act Concerning Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses**. S.B. 796 is an important legislative proposal that provides for automatic review of sentences of ten years or more for individuals who were under 18 years of age when their offenses were committed and requires the court to consider evidence concerning the differences between a child's brain and an adult's.

The United States Supreme Court has long recognized that children are different, because "[they] have diminished culpability and greater prospects for reform, ... [they] have a lack of maturity and an undeveloped sense of responsibility, ... [and] a child's character is not as well formed as an adult's...." Roper v. Simmons, 543 U.S. 551, 569-570 (2005). Senate Bill 796 demonstrates our recognition of the differences between an adult and juvenile offender, allows for the consideration of mitigating factors in sentencing children based on those differences, and permits us to revisit those sentences in the future to determine whether, in any particular case, release to parole is appropriate. It is important to note that this bill does not guarantee release, nor does it prevent judges from imposing lengthy sentences if warranted. It merely affords an opportunity for a hearing to consider release and to allow victims and others the chance to be heard on that consideration.

Senate Bill 796 amends the Connecticut General Statutes to comply with Miller v. Alabama, and our own

Supreme Court's recent decision in State v. Ackeem Riley, by requiring a sentencing court to consider not only the nature of the circumstances of the offense, but the characteristics and circumstances of the offender. This will ensure that our courts adhere to that requirement by recognizing that the criminal conduct of a child may be mitigated by a number of considerations. These have been recognized by both the United States Supreme Court and our Supreme Court to include the offender's age, educational background, history of trauma and abuse; immaturity, impetuosity, and failure to appreciate risks and consequences; the offender's family and home environment and the offender's inability to extricate himself from that environment; the circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have affected him; the offender's inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys; and the possibility of rehabilitation. State v. Ackeem Riley, 2015 Conn. LEXIS 50 (March 1, 2015).

Senate Bill 796 also amends our General Statutes to comply with the United States Supreme Court decision in Graham v. Florida. In that case, the Supreme Court said that a sentencing judge is precluded from determining at the outset that a juvenile non-homicide offender is beyond rehabilitation and has required that such offenders be afforded a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. As this Committee is aware numerous scientific studies over the past 25 years have demonstrated that the adolescent brain is not fully developed. The immaturity of the juvenile brain makes a teenager more susceptible than an adult to impulsive and impassioned behavior. Society's imposition of various restrictions on young people with regard to voting rights, motor vehicle licensing, alcohol use, and consent for sexual intercourse, clearly reflects the recognition that adolescents and even young adults do not possess sufficient judgment, foresight or self control to be granted these responsibilities. If we believe that children are not able to make reasoned and responsible judgments regarding their bodies, driving, voting and drinking before reaching the ages of 16, 17, 18 and 21, respectively, how can we conclude that their judgment and culpability are comparable to those of an adult when they commit a crime? Senate Bill 796 gives young people in these circumstances another chance at life: To live as mature, responsible, and productive members of society after demonstrating that they can do so without violating the law.

Historically, we have cast aside adolescents with serious felony convictions with the view that these young people are permanently damaged and in need of warehousing. S.B. 796 reflects society's current understanding that adolescents change dramatically as they mature into adulthood and that it is appropriate to review the lengthy sentences of teenage offenders.

For all the reasons stated above, the CCDLA strongly urges the passage of Senate Bill 796. Please feel free to contact me if you have any questions regarding this testimony.

Respectfully submitted,



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